

Arscraft



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Heroux Inc.

File: B-237432

Date: October 26, 1989

DIGEST

Protest against alleged solicitation improprieties filed 7 weeks after date set for receipt of initial proposals is dismissed as untimely.

DECISION

Heroux Inc. protests the terms of request for proposals (RFP) No. N00383-89-R-3688, issued by the United States Navy for landing gears. The protester principally objects to an RFP requirement for prequalification of its gear.

Our Bid Protest Regulations require that protests based on alleged improprieties in a solicitation--like those which form the bases of this protest--which are apparent prior to the closing date for receipt of proposals shall be filed prior to that time. 4 C.F.R. § 21.2(a)(1) (1989). The purpose of this limitation is to enable the contracting agency to decide an issue while it is most practicable to take effective action where circumstances warrant. Kileen Pest Control Inc.--Request for Reconsideration, B-223778.2, Jan. 7, 1987, 87-1 CPD ¶ 21. Heroux's protest states that the closing date of the RFP in question was August 24, 1989. The protest was not filed until October 13, 7 weeks after the closing date. The protest therefore is untimely.

Moreover, with respect to the protester's basic contention that it is inherently unfair to impose approval requirements only on potential offerors whose products have not been previously approved, we have held that this procurement approach is unobjectionable and not unfair in the procurement of such items as aircraft components, which may require significant testing to ensure quality, as long as the RFP

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provides nonapproved sources a reasonable opportunity to qualify. See Astronautics Corp. of America, B-222414.2 et al., Aug. 5, 1986, 86-2 CPD ¶ 147.

The protest is dismissed.

A handwritten signature in cursive script that reads "Ronald Berger". The signature is written in dark ink and is positioned above the printed name and title.

Ronald Berger
Associate General Counsel